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March 27, 2009

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-EIGHTH LEGISLATIVE DAY
MONDAY, MARCH 30, 2009

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Corder, absent and formally excused by the Chair; and Senators Cameron and Stegner, and Acting Senator Thorson, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Mallory Triplett, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 27, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Acting Senator Thorson was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 30, 2009

The JUDICIARY AND RULES Committee reports that [S 1165](#), [S 1166](#), [S 1167](#), [S 1168](#), and [S 1169](#) have been correctly printed.

DARRINGTON, Chairman

[S 1165](#) was referred to the Education Committee.

[S 1166](#) was referred to the Commerce and Human Resources Committee.

[S 1167](#), [S 1168](#), and [S 1169](#) were referred to the Resources and Environment Committee.

The JUDICIARY AND RULES Committee reports that [S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#) and ordered them transmitted to the House for the signature of the Speaker.

March 27, 2009

The TRANSPORTATION Committee reports out [H 97](#), as amended, and [H 241](#) with the recommendation that they do pass.

MCGEE, Chairman

[H 97](#), as amended, and [H 241](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 27, 2009

Dear Mr. President:

I transmit herewith [H 251](#), [H 253](#), [H 260](#), [H 198](#), as amended, [H 244](#), as amended, [H 240](#), as amended, [H 265](#), and [H 264](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 251](#), [H 253](#), [H 260](#), [H 198](#), as amended, [H 244](#), as amended, [H 240](#), as amended, [H 265](#), and [H 264](#) were filed for first reading.

March 27, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 185](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 185](#) and ordered it returned to the House.

March 27, 2009

Dear Mr. President:

I return herewith [S 1138](#), [S 1003](#), and [S 1008](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1138](#), [S 1003](#), and [S 1008](#) were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Cameron and Stegner were recorded present at this order of business.

The President announced that [SJM 102](#) was before the Senate for final consideration.

Moved by Senator McGee, seconded by Senator Davis, that [SJM 102](#) be adopted. The question being, "Shall the memorial be adopted?"

Roll call vote was requested by Senators Werk, Kelly, and Bilyeu.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Thorson (Stennett), Werk. Total - 7.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared [SJM 102](#) adopted, title was approved, and the memorial ordered transmitted to the House.

The President announced that [SCR 110](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Lodge, seconded by Senator Kelly, [SCR 110](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [HCR 29](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator LeFavour, [HCR 29](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 12](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Kelly, [HCR 12](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 22](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Kelly, [HCR 22](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1170

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[S 1170](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 251](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 253](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 260](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 198](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 244](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 240](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 265](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 264](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 170](#), by Business Committee, was read the second time at length and filed for third reading.

[H 220](#) and [H 230](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 242](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 161, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1154, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared S 1154 passed, title was approved, and the bill ordered transmitted to the House.

S 1145 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared S 1145 passed, title was approved, and the bill ordered transmitted to the House.

S 1144 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared S 1144 passed, title was approved, and the bill ordered transmitted to the House.

H 65, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared H 65, as amended, passed, title was approved, and the bill ordered returned to the House.

H 164 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Corder. Total - 1.

Total - 35.

Whereupon the President declared H 164 passed, title was approved, and the bill ordered returned to the House.

H 168 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly,

Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--Corder. Total - 1.

Total - 35.

Whereupon the President declared [H 168](#) passed, title was approved, and the bill ordered returned to the House.

[H 124](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--Corder. Total - 1.

Total - 35.

Whereupon the President declared [H 124](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:02 p.m. until the hour of 9:30 a.m., Tuesday, March 31, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary